

MARY WOODBURY, ELIZABETH ODELL, AND OTHERS.

[To accompany Bill H. R. No. 853.]

---

JUNE 22, 1860.

---

Mr. ALDRICH, from the Committee on Indian Affairs, made the following report:

That they adopt the favorable report of the Committee on Indian Affairs of the 34th Congress, as follows, viz:

REPORT.

*The Committee on Indian Affairs, to whom were referred the petitions of Mary Woodbury, Elizabeth Odell, and of Joseph Mozeau's children and ward, half-breeds of the Sioux tribe of Indians, praying for the payment of money stipulated to be paid them under the treaty of 1837, report:*

That in 1837 the government of the United States, by treaty of that date with the Sioux Indians, stipulated to pay to the relations and friends of the chiefs and braves of said Indians, having not less than one-fourth Sioux blood, the sum of one hundred and ten thousand dollars, to be distributed to the proper authorities of the tribe, upon principles to be determined by the said chiefs and braves, and the War Department. In 1838 the War Department appointed Messrs. Pease and Ewing commissioners to carry into execution the clause of the treaty above referred to; and in September, 1838, the commissioners met the chiefs and braves, and it was determined by them that the petitioners, Mary Woodbury (then Taliaferro) and Elizabeth Odell (then Elizabeth Williams,) were entitled to receive under the treaty, the former the sum of seven hundred and fifty dollars, the latter the sum of five hundred dollars; and that J. B. Mozeau, Sophia Mozeau, Antoine Mozeau, and Joseph Labathe, children and ward of Joseph Mozeau, were entitled to likewise receive, the first the sum of seven hundred and fifty dollars, and the other three the sum of five hundred dollars each. The commissioners, however, ordered the above sums to be paid, for the first two payees, to Lawrence Taliaferro, and for the four last-named payees to Samuel C. Stambaugh, as trustees; and it is not shown by the evidence, or by the record kept by the commissioners of their acts, that

the chiefs and braves were consulted, or in any manner consented to the appointment of these trustees, or the payment of the money into their hands. The evidence in the case shows that but a small portion of the above sums was paid or appropriated to the use and benefit of the above-named payees by said trustees. Your committee are of the opinion that the payment of the money to the trustees, without the consent of the chiefs and braves, was not such fulfilment of the treaty as releases the government from liability to pay any such portion of the sums named as the trustees failed to pay. They therefore report a bill.

Your committee now report a bill similar to the one then reported, and respectfully add, from the additional evidence now presented to the committee, that these cases are most meritorious; that the trustees before mentioned were appointed to receive the money, without giving security, and in a manner unauthorized or contemplated by the aforesaid treaty, and against the protest, and without the consent of the beneficiaries of such treaty stipulation; that such trustees have wholly neglected and refused to pay the money so received by them, or to account for the same; that such beneficiaries have been entirely deprived of the benefits of said treaty by the act of the government agents; and that an account ought to be taken and the balance or sums due should be paid. They, therefore, unanimously concur in the recommendation of a former committee of this House, and recommend the passage of the accompanying bill.